

REMARKS

Claims 52, 53, 60-62, and 74 are allowed. Claims 1-7 and 51-74 remain in the application. Reconsideration of the application in view of the remarks to follow is requested.

Claims 1-7, 51, 67-73 stand provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-7 and 8-20 of co-pending U.S. Patent Application Nos. 09/834,660 and 10/071,453. Claims 54-59 and 63-66 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9-14, 6, and 7 of co-pending U.S. Patent Application Serial Nos. 09/834,660 and 10/071,453. Respectfully, both rejections are inappropriate and should be withdrawn.

First, co-pending U.S. Patent Application Nos. 09/834,660 and 10/071,453 are divisionals of the present application, 09/388,857. Co-pending U.S. Patent Application Nos. 09/834,660 and 10/071,453 were divided out from the present application due to a restriction request by the Examiner in the Office Action dated February 6, 2001 (paper no. 4). Accordingly, pursuant to MPEP §804.01 (8th ed.), rejecting claims under the judicially created doctrine of obviousness-type double patenting when such claims were restricted out by the Patent Office is inappropriate and cannot be sustained. Applicant respectfully requests withdrawal of the obviousness-type double patenting rejection in the next office action.

Regarding the rejection under 35 U.S.C. 101, after the restriction requirement to original claim 1-50 of the present application, claims 8-50 were cancelled with new claims 51-66 added leaving claims 1-7 and 51-66 in the

present application (response dated 2-15-01). Co-pending U.S. Patent Application Nos. 09/834,660 was filed as a divisional off the present application cancelling claim 1-7 leaving claims 8-50 (preliminary amendment filed 4-12-01). Regarding 09/834,660, Examiner telephoned Applicant on or about January 15, 2002 and requested restriction. Examiner's Office Action dated January 30, 2002 (paper no. 5) included an Examiner's Amendment canceling claims 8-20 and 31-50. Applicant responded to Examiner's restriction requirement by filing a Divisional Application, U.S. Patent Application Serial No. 10/071,453 on February 8, 2002 which included the restricted out claims 8-20 and 31-50. Further, claims 1-7 and 21-30 were canceled. However, by Examiner's amendment, claims 8-20 were cancelled in paper no. 5 mailed 8-23-02 of U.S. Patent Application Serial No. 10/071,453.

Consequently, claims 1-7 **never existed in co-pending** U.S. Patent Application Nos. 09/834,660 and 10/071,453, and claims 8-20 are no longer pending in the co-pending applications. Accordingly, the rejection under 35 U.S.C. §101 against claims of the present application based on claims 1-7 and 8-20 which **do not exist** in the co-pending applications is inappropriate and must be withdrawn.


Since no other rejections are presented against the pending claims of the present application, such claims are allowable.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next

anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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